

## REMARKS

New claims 25-27 have been added to better claim the invention. In view of the following argument for patentability, the applicants hereby respectfully request entry of the amendment and allowance of the subject application.

The applicants respond to the Examiner's arguments in the final Office Action dated 7/23/03. In summary, the applicants contend that the claims are novel and non-obvious over the cited art because none of the cited references teach the applicants' claimed system and method which compares a buyer's profile and inferred criteria with the criteria of the products and services offered by sellers.

In response to the applicants' arguments after the first Office Action that Claims 1-24 were patentable over Raveis, Jr., U.S. Patent No. 6,321,202, in view of Kramer et al. (U.S. Patent No. 6,327,574), and in further view of Williams, Jr. (U.S. Patent No. 6,108,686), the Examiner agrees that Raveis and Kramer do not teach the applicant's claimed system and method which compares a buyer's profile and inferred criteria with the criteria of the products and services offered by sellers. However, the Examiner still contends that Williams does teach this limitation. In support of this contention, the Examiner cites Col. 3, lines 2-16, Col. 5, lines 40-61 and Fig. 4 of Williams. These passages state,

**"The SIRViS generally includes a graphical user interface (GUI) and a search agent. A control panel component of the GUI enables each local user to define his own unique set of search rules for locating information on the particular subject area stored in one or more remote databases on the network. The control panel provides each set of search rules to the search agent. The search agent then automatically accesses content in the remote databases according to the search and stores the information in a local database. The search agent may retrieve the information periodically or at specified days or times, for example. Using a content viewer component of the GUI, each local user can access information stored in the local database relating to the particular subject area and corresponding to his own set of search rules."**

(emphasis added)

And,

“In alternative embodiments, search rules may not be specified explicitly by a user. Instead, **search rules may be generated automatically based on observations of the user's actions**, such as which types of on-line information the user accesses most frequently. In that case, such observation and/or rule generation functions may be performed by the control panel 26, by a dedicated rule generation component within the SIRViS, or by an entity separate from the SIRViS 22...**The search agent 25 is a search engine which separately uses each set of search rules to access information on a predefined subject area in one or more remote databases 34.** The remote databases 34 are stored in one or more of the remote content servers 2 (see FIG. 1). The search agent 25 may access the remote databases 34 at regular, predefined intervals or at pre-specified days or times. The agent 25 stores the retrieved information in a local database 30. In doing so, the search agent 25 creates an association in the local database 30 between stored groups of information and the corresponding set of search rules used to retrieve the groups of information, thereby associating information with particular users.” (emphasis added)

**It is clear from these passages, that no seller or agent criteria are used to match to a buyer's criteria. All criteria used by the search engine (e.g., search agent) are exclusively set by the buyer or user, either explicitly or implicitly.** FIG. 4 of Williams does nothing to add to the Examiner's argument as it says nothing about a seller setting criteria or using seller criteria to match a seller to a buyer.

Granted, the Examiner argues that “the system and method of Williams is sophisticated and allows multiple searches simultaneously of a database to locate and match/sort the information to meet the rules of the user, which would have enabled the method and system to compare the profile and the conferred criteria-with the products or services offered by agents (rules) in order to ensure a suitable matching of agents and customers. In this regard, the broker **could have** used the method and system of Williams...to establish unique criteria/rules...and allow the system and method to automatically search and compare individuals/buyers and match them with a real estate agent....” **However, the fact is that Williams does not teach a seller or agent setting criteria that is matched to a buyer's criteria.** Williams only teaches allowing

searches based on a buyer's explicit or inferred criteria. There is only one set of criteria taught in Williams and that is the criteria set which is either explicitly or implicitly created by the buyer. The limitation of having the buyer alone define the criteria set is that targeted marketing by the seller/agent is not possible.

Neither Raveis, Kramer nor Williams teach a computer-implemented method and system which compares the buyer's profile and inferred criteria with the criteria of the products or services offered by the agents to match a suitable agent with a suitable buyer based on the created profile of the buyer.

Accordingly, Raveis in combination with Kramer and Williams does not teach or recognize the advantages of the applicants' claimed invention. Namely, Raveis in combination with Kramer and Williams does not teach a computer-implemented method and system which compares the profile and the inferred criteria with the criteria of the products or services offered by the agents to match a suitable agent with a suitable buyer based on the created profile of the buyer in order to allow an agent to specifically target a given buyer for marketing purposes.

More specifically, the applicants' arguments are provided in greater detail below.

#### **The 35 USC 103 Rejection of Claims 1-24.**

Claims 1-24 were rejected under 35 USC 103(a) as being unpatentable over Raveis, Jr., U.S. Patent No. 6,321,202, in view of Kramer et al. (U.S. Patent No. 6,327,574), in further view of Williams, Jr. (U.S. Patent No. 6,108,686). The Examiner contended that it would have been obvious to have provided the combination of Raveis and Kramer with the system and method of Williams to enable the ability for the computer implemented method and system to compare the profile and the inferred criteria to the products and services offered by the agents to match a suitable agent with a suitable buyer based on a created profile of the buyer. The applicants respectfully disagree with this

contention of obviousness.

In order to deem the applicants' claimed invention unpatentable under 35 USC 103, a prima facie showing of obviousness must be made. To make a prima facie showing of obviousness, all of the claimed elements of an applicant's invention must be considered, especially when they are missing from the prior art. If a claimed element is not taught in the prior art and has advantages not appreciated by the prior art, then no prima facie case of obviousness exists. The Federal Circuit court has stated that it was error not to distinguish claims over a combination of prior art references where a material limitation in the claimed system and its purpose was not taught therein (*In Re Fine*, 837 F.2d 107, 5 USPQ2d 1596 (Fed. Cir. 1988)).

The applicants' claimed invention encompasses a system and method for finding a prospective buyer and providing the buyer to agents offering for sale products or services. The applicant's claimed invention provides the buyer with an interactive environment having information relating to the products or services offered by the agents. A profile of the buyer is created by inferring criteria desired by the buyer based on the buyer's interaction with the interactive environment. **The profile and the inferred criteria are compared with the criteria of the products or services offered by the agents to match a suitable agent with a suitable buyer based on the created profile of the buyer.**

For example, an interactive electronic portal or interactive directory can be provided to the general public for attracting potential customers and buyers. The potential customer or buyer can be provided with an interactive browsing environment and allowed to select information related to products or services offered by a seller. The search engine is used to create the database, which includes organized profiles of buyers that define specific prescribed criteria.

A profile of the buyer can be created by inferring criteria associated with the buyer based on the interactive browsing and the selections made by the buyer. The profile and the inferred criteria is compared with criteria associated with the products or services offered by subscribing sellers for matching specific products or services of subscribing sellers to those the buyer has a potential interest in. In addition, an account manager can automatically search the database for buyers that match products or services offered by subscribing sellers.

Raveis teaches a system and method for managing real estate transactions. The method includes the steps of receiving and storing data relating to a plurality of contacts including buyers and sellers of real estate, receiving and storing data relating to a plurality of vendors each associated with at least one phase of a real estate transaction, accessing vendor data based upon occurrence of a particular phase of the real estate transaction and communicating data relating to the vendors to a contact upon occurrence of the particular phase of the real estate transaction. As stated by the Examiner, **Raveis, does not, however, disclose and teach a computer-implemented method and system which compares a buyer's profile and inferred criteria with the criteria of the products or services offered by the agents to match a suitable agent with a suitable buyer based on the created profile of the buyer.**

Kramer teaches a system and method that provides for the interpretation and augmenting of structured documents electronically delivered to an individual consumer's computer using consumer profiles developed from and maintained with information reflecting the consumer's online and offline transactions, by selecting the variable content alternatives encoded in the structured documents that most closely match the consumer's profile. As stated by the Examiner, on page 6 of the Office Action, **Kramer, does not, however, disclose and teach a computer-implemented method and system which compares a buyer's profile and inferred criteria with**

**the criteria of the products or services offered by the agents to match a suitable agent with a suitable buyer based on the created profile of the buyer.**

Williams teaches a Subject-specific Information Retrieval and Viewing System (SIRViS) that enables multiple users of a local computer system to access information stored remotely on a wide area network. The SIRViS is designed to retrieve and display to a user information relating to a particular, predefined subject area. The SIRViS includes a graphical user interface including a control panel and a content viewer. The control panel enables each local user to define a unique set of search rules for locating information on the particular subject area stored in one or more remote databases across the network. The control panel provides each set of search rules to a search agent, which accesses content in the remote databases according to the search and stores the information in a local database, including maintaining the overall structure in which the data was stored in the remote database and associating retrieved information with particular sets of search rules. Any of the local users can use the content viewer to access and display information stored in the local database relating to the particular subject area and to that particular user. The local processing system may include multiple SIRViS, each of which is customized to retrieve and display information in a different subject area. **Williams, does not, however, disclose and teach a computer-implemented method and system which compares a buyer's profile and inferred criteria with the criteria of the products or services offered by the agents to match a suitable agent with a suitable buyer based on the created profile of the buyer.** Granted, the Examiner states, that Williams discloses and teaches the foregoing feature at Col. 3. lines 1-34 and Figures 4-6. This passage states,

"The SIRViS generally includes a graphical user interface (GUI) and a search agent. A control panel component of the GUI enables each local user to define his own unique set of search rules for locating information on the particular subject area stored in one or more remote databases on the network. The control panel provides each set of search rules to the search agent. The search agent then automatically accesses content in the remote databases according to the search and stores the information in a local database. The search agent may retrieve the information periodically or at specified days or

times, for example. Using a content viewer component of the GUI, each local user can access information stored in the local database relating to the particular subject area and corresponding to his own set of search rules. The local storage of retrieved information improves the overall speed of access perceived by the user.

In contrast with conventional information access techniques, such as Web browsers and push technology, **the search agent stores information in the local database using the same organizational structure in which the information was stored in the remote database.** This structure is selected in advance to be suitable for effectively conveying information on the predefined subject area to a user in a format that can be easily assimilated. The present invention is not limited to use with any particular type of data structure. However, the designer of a given SIRViS will have knowledge of the data structure used in the appropriate remote databases and will design the search agent and the content viewer to be compatible with this structure. Thus, the maintenance of the structure of the retrieved information and the subject-specific nature of the SIRViS improve the organization of information delivered to the user, in comparison to traditional techniques."

Furthermore, in Column 10, lines 49-50, Williams states, "The search agent 25 is a search engine which separately uses each set of search rules to access one or more remote databases." **No mention is made in Williams of a computer-implemented method and system which compares the buyer's profile and inferred criteria with the criteria of the products or services offered by the agents to match a suitable agent with a suitable buyer based on the created profile of the buyer. The agent that the Examiner refers to is merely a search engine which uses the user's/buyer's search rules to search various databases.**

With respect to Claim 9, the Examiner contends that the limitations of this claim are taught at Col. 5, lines 49-60 of Williams. This passage states,

**"The search agent 25 is a search engine which separately uses each set of search rules..." (Note that these search rules are created by the buyer or user)...**"to access information on a predefined subject area in one or more remote databases 34. The remote databases 34 are stored in one or more of the remote content servers 2 (see FIG. 1). The search agent 25 may access the remote databases 34 at regular, predefined intervals or at pre-specified days

or times. The agent 25 stores the retrieved information in a local database 30. In doing so, the search agent 25 creates an association in the local database 30 between stored groups of information and the corresponding set of search rules used to retrieve the groups of information, thereby associating information with particular users."

Again, in this passage, no criteria are set by the seller or agent. **The search agent in this case is just a search engine that uses the criteria of the buyer to search various databases.**

As to claim 19, the Examiner contends that Williams teaches a computer system wherein the comparator compares the profile and the inferred criteria with criteria of the products or services by matching specific products or services of the agents that the buyer has a potential interest in based on the created provide of the buyer at Col. 5, lines 49-61 of Williams (the same passage as quoted above). Again, in this passage, no criteria are set by the seller or agent. **The search agent in this case is just a search engine that uses the criteria of the buyer to search various databases.**

**Neither Raveis, Kramer nor Williams, either alone or in combination, teach a computer-implemented method and system which compares the buyer's profile and inferred criteria with the criteria of the products or services offered by the agents to match a suitable agent with a suitable buyer based on the created profile of the buyer. Nor does Raveis in combination with Kramer and Williams recognize the advantages of the applicants' claimed invention. Namely, Raveis in combination with Kramer and Williams does not teach a computer-implemented method and system which compares the profile and the inferred criteria with the criteria of the products or services offered by the agents to match a suitable agent with a suitable buyer based on the created profile of the buyer in order to allow an agent to specifically target a given buyer for marketing purposes.**

Thus, the applicant has claimed elements not taught in the cited art and which



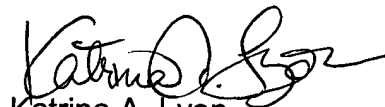
have advantages not recognized therein. Accordingly, no prima facie case of obviousness has been established in accordance with the holding of *In Re Fine*. This lack of prima facie showing of obviousness means that the rejected claims are patentable under 35 USC 103 over Raveis in combination with Kramer and Williams. As such, it is respectfully requested that the rejection of Claims 1-24 be reconsidered based on the following claim language, as exemplified by Claim 1:

" A computer implemented method for finding a prospective buyer and providing the buyer to agents offering for sale at least one of products or services, the method comprising...providing the buyer with an interactive environment having information relating to the products or services offered by the agents; creating a profile of the buyer by inferring criteria desired by the buyer based on the buyer's interaction with the interactive environment; **and comparing the profile and the inferred criteria with criteria of the products or services offered by the agents to match a suitable agent with a suitable buyer based on the created profile of the buyer.**"

**Summary.**

In summary, it is believed that the claims are in condition for allowance. Reconsideration of the rejection of Claims 1-24 is respectfully requested. Allowance of these claims, and new claims 25-27, at an early date is also courteously solicited.

Respectfully submitted,



Katrina A. Lyon  
Registration No. 42,821  
Attorney for Applicants

LYON & HARR, LLP  
300 Esplanade Drive, Suite 800  
Oxnard, CA 93036  
(805) 278-8855